

Title VI Program Implementation Plan 2018



Arkansas Department of Transportation

NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, religion (***not applicable as a protected group under the Federal Motor Carrier Safety Administration (FMCSA) Title VI Program***), disability, Limited English Proficiency (LEP) or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head – EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501)569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov

Free language assistance for LEP individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

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I. INTRODUCTION

PLAN OVERVIEW

As described in the ARDOT Policy Statement (see Appendix A) and in compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, ARDOT assures through its policies and procedures that no person shall on the grounds of race, color, national origin, age, sex, religion (***not applicable as a protected group under the FMCSA Title VI Program***), disability, income status or LEP be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any ARDOT program or activity receiving federal assistance under this title or carried out under this title. While ARDOT receives funds from various sources, there is no distinction between the sources of funding. Questions regarding ARDOT's Title VI Program may be directed to:

Arkansas Department of Transportation
Attention: Joanna P. McFadden, EEO/DBE Section Head - Title VI/ADA Coordinator
P.O. Box 2261
Little Rock, AR 72209
Email: Joanna.McFadden@ardot.gov

PLAN OBJECTIVES

The primary objectives of ARDOT's Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and statutes.
- To assure that all employees, customers and others affected by ARDOT's programs, projects and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, disability, income status, or LEP.
- To proactively prevent discrimination and ensure nondiscrimination in all ARDOT's programs and activities, whether those programs and activities are federally funded or not.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to review specific program areas annually to determine the effectiveness of the area's activities at all levels.

- To set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under Title VI in any ARDOT service, program, activity, or any program that is administered by its sub-recipients.

II. STANDARD DOT ASSURANCES

The ARDOT Director is required to sign Standard DOT Title VI/Non-Discrimination and FMCSA Assurances in accordance with USDOT 1050.2A. (see Appendix B)

III. ORGANIZATION AND STAFFING

STAFFING

Director - The Director is responsible for supervising and administering the overall activities of ARDOT, its divisions, sections, and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. The Director has adequately staffed the Equal Employment Opportunity/Disadvantaged Business Enterprise (EEO/DBE) Section to fulfill the Title VI statutory and regulatory requirements.

Civil Rights Officer - The Civil Rights Officer's oversight includes the following: Title VI/Nondiscrimination; Employee Nondiscrimination Program (Title VII); Internal Affirmative Action; and the internal/external Americans with Disabilities Act (ADA) Programs. To comply with the Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the Title VI Coordinator.

Title VI/ADA Coordinator – The Title VI/ADA Coordinator is responsible for supervising, reviewing, monitoring, and evaluating the effectiveness of external/internal EEO programs. This position is also responsible for managing the Title VI, ADA/Section 504, LEP, and Minority Serving Institutions (MSI) programs. The Title VI/ADA Coordinator is responsible for the daily operation of the EEO/DBE Section and acts as a liaison between ARDOT and federal and state officials regarding EEO issues.

Responsibilities include:

1. Delegated authority to have a direct line of communication to ARDOT's Director.
2. Providing guidance and technical assistance on the Title VI matters and has overall program responsibility for preparing required reports

regarding Title VI compliance, and initiating monitoring activities including developing procedures for:

- Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days;
 - Collecting statistical data (race, color, national origin, age, sex, disability, LEP and income status) of participants in and beneficiaries of ARDOT's programs;
 - Identifying and eliminating discrimination when found to exist.
3. Ensuring the Title VI Assurances are signed by ARDOT's Director.
 4. Complying with ARDOT's procedures to investigate Title VI complaints filed against ARDOT and its sub-recipients when appropriate.
 5. Conducting annual reviews of special emphasis areas.
 6. Reviewing ARDOT program directives in coordination with ARDOT program officials and where applicable, to include Title VI and related requirements.
 7. Conducting and coordinating Title VI training for ARDOT as needed.
 8. Preparing and disseminating an annual report of accomplishments for the past year and goals for next year.
 9. Updating the Title VI program plans as necessary and submitting to DOT authorities, Federal Highway Administration (FHWA), FMCSA, and Federal Transit Administration (FTA).
 10. Developing Title VI information for distribution to the general public, in other languages as needed, including hearing and vision impairments.
 11. Monitoring public participation and awareness of Title VI policies and procedures, for their effectiveness in reaching the public.
 12. Developing and overseeing implementation of ARDOT's LEP plan.
 13. Reviewing environmental documents to ensure the proper inclusion of environmental justice and civil rights requirements.

EEO Specialist - The EEO Specialist assists the Title VI/ADA Coordinator in the review and responsibilities over all aspects of the Title VI program. In particular, the Title VI/ADA Coordinator has the delegated task to focus on internal and external Title VI responsibilities, while the EEO Specialist duties include but will not be limited to:

1. Providing guidance on Title VI matters for sub-recipients and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities, including developing procedures;
 - a. Promptly resolving deficiencies and documenting remedial action within 90 days;
 - b. Ensuring sub-recipients develop procedures for the collection of statistical data (race, color, sex, national origin, age, disability, LEP and low-income status) of participants in and beneficiaries of federal aid programs;
 - c. Implementing and overseeing sub-recipient Title VI plans and programs to ensure compliance;
 - d. Identifying and eliminating discrimination when found to exist.
2. Ensuring Title VI Assurances are signed by all sub-recipients.
3. Complying with ARDOT's procedures to investigate Title VI complaints filed against ARDOT and its sub-recipients.
4. Conducting sub-recipient annual reviews of high risk areas.
5. Conducting Title VI training and technical assistance for sub-recipients as needed or requested.
6. Complying with federal standards to ensure proper implementation of sub-recipient's LEP.

Title VI Liaisons – Each Program Area within ARDOT has designated a Title VI Liaison who is responsible in facilitating the inclusion of the civil rights requirements in all aspects of ARDOT's operations. The liaison's main objective is to ensure all ARDOT policies, procedures, and practices are compliant with federal statutes, agencies guidelines and regulations to include but not limited to FHWA, FMCSA, and FTA.

The liaisons monitor Title VI compliance at the program area level and works with the Title VI Coordinator to ensure their respective areas, programs, and sub-recipients comply with Title VI regulations and assurances, collect and analyze demographic data of participants/beneficiaries of programs, meet the objectives of the Title VI Plan, meet federal reporting requirements, and provide adequate training opportunities for

applicable staff. The Title VI liaisons will meet on an annual basis or as needed to assist in developing ARDOT's Annual Goals and Accomplishments Report (see Appendix C - Organizational Chart).

IV. PROGRAM REVIEW PROCEDURES

Procedures:

ARDOT's seven major program areas are Transportation Planning & Policy, Environmental, Right of Way, Construction, System Information and Research, Program Management and Roadway Design.

These areas are reviewed on an annual basis for FHWA's Title VI Goals and Accomplishments Report. The objective of the review process is to understand the processes of each program area to ensure equality and open access to all members of the public. The review process is also used to summarize and highlight efforts of each program area for conducting outreach and providing better access to ARDOT's programs and activities for minority, low-income, and LEP populations.

The Title VI Coordinator provides each program area liaison a list of questions related to Title VI, LEP and EJ to initiate the reviews.

Program Areas:

Transportation Planning and Policy Division – The Transportation Planning and Policy (TPP) Division is responsible for providing long range multimodal transportation planning for the state, conducting studies of transportation needs, assisting cities and counties in transportation planning, and publishing information and recommendations relative to transportation issues. The TPP Division coordinates transportation planning activities with metropolitan and regional planning agencies, other ARDOT Divisions and Districts, federal partners, public citizens, and other stakeholders. The Division also maintains information for economic, financial, and planning studies to support ARDOT's policy decisions. Tourist, city and county maps are produced, printed and distributed. The Highway Safety Improvement Program, Public Transportation Program, and railroad related activities are managed in the TPP Division.

The following are the eight (8) Metropolitan Planning Organizations (MPOs) in Arkansas:

- Frontier Metropolitan Planning Organization
Fort Smith, Arkansas and Pocola, Oklahoma Urbanized area
- Jonesboro Metropolitan Planning Organization
Jonesboro, Arkansas Urbanized Area

- Metroplan
Little Rock, Arkansas Urbanized Area
- Northwest Arkansas Regional Planning Commission
Fayetteville, Arkansas and McDonald County Missouri Urbanized Area
- Southeast Arkansas Regional Planning Commission
Pine Bluff, Arkansas Urbanized Area
- Texarkana Metropolitan Planning Organization
Texarkana, Arkansas and Texarkana, Texas Urbanized Area
- Tri-Lakes Metropolitan Planning Organization
Hot Springs, Arkansas Urbanized Area
- West Memphis Metropolitan Planning Organization
West Memphis and Marion, Arkansas Urbanized Area

MPO's annually provide the United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A in their United Planning Work Plans (UPWP) that are approved by ARDOT and FHWA (FHWA approves for FHWA and FTA).

Environmental Division – The Environmental Division of ARDOT is primarily responsible for ensuring that ARDOT adequately addresses and documents the impacts of highway projects on the natural and social environment in compliance with regulations set forth in the National Environment Policy Act (NEPA), as well as other state and federal laws pertaining to environmental protection.

It is FHWA's policy to develop, enhance, and maintain environmental staff expertise, and encourage state transportation agencies to do the same. To accomplish this mission and to be consistent with FHWA's policy, the Environmental Division has developed a process that is capable of evaluating, documenting, and monitoring nearly all of the potential social, economic, and environmental impacts of ARDOT's construction and maintenance activities. The Division's in-house staff has evolved into an interdisciplinary staff of project managers and professional staff capable of providing complete environmental evaluations of transportation projects.

Construction Division – The Construction Division administers all contracted highway projects primarily through the 31 Resident Engineers located statewide. The responsibilities this Division is charged with on all phases of the contract until the project is completed and the contractor is paid in full are:

- Coordinating between the various divisions which are involved in the contract.
- Consulting with the Resident Engineer, District Engineer, the FHWA, utilities and other divisions on construction problems.
- Inspecting records and field work, including review and approval of all changes to the contract.
- Processing current and final estimates.
- Training of employees in order to promote statewide uniformity in the application of specifications.

Right of Way Division – The Right of Way Division is charged with the responsibility of acquiring and managing all rights of way necessary for the construction and maintenance of highways in the State of Arkansas. The Division is also responsible for the adjustment of utility facilities necessary for the construction of highways.

Roadway Design Division – The Roadway Design Division is responsible for the design and preparation of plans for all projects to construct or reconstruct roadways on the Arkansas Department of Transportation System. The design of these roadways include, but is not limited to, geometric design, hydraulic design, pavement design, and design of sediment and erosion control devices. The construction plans developed by Roadway Design also includes plans for maintenance of traffic, signing and striping, and plans for permanent striping. The Roadway Design Division also has the responsibility to establish the amount of additional land (proposed right-of-way) needed to construct a roadway.

On most of the projects designed in this Division, public meetings are held. Personnel in Roadway Design are present at these public meetings to explain the proposed design. Along with the design and plan preparation, this Division is responsible for the calculation of all quantities needed to construct the roadway. Roadway Design is responsible for the contract cost estimates for all projects developed by this Division, as well as projects developed by various other Divisions. This Division oversees and reviews all consultant designed plans developed for construction of roadways on the State Highway System and also aids cities in the design and preparation of contract plans and specifications on federally funded city street projects.

System Information & Research Division – The Research Section of the System Information and Research Division has the responsibility of making sure contracted and in-house research projects are in compliance with Title VI of the Civil Rights Act of 1964. All contract Transportation Research Committee (TRC) projects are solicited to colleges and universities in the state of Arkansas, including MSIs.

The Research Section ensures that contract research projects are solicited without regards to race, color or national origin. MSIs in the state of Arkansas are not being denied the benefits of or excluded from participation in these projects. The Research Section makes sure that all recipients who receive federal funds through the state meet civil rights requirements. A summary of minority faculty and students working on TRC projects by race and sex is compiled and sent to EEO each fiscal year.

Program Management Division – The Program Management Division is responsible for effectively assisting in the pre-construction phases of projects, maintaining and reporting information related to construction projects.

The Construction Contract Procurement Section has two primary responsibilities. The first is advertising, letting and award of highway construction contracts. This includes contractor prequalification, selling plans, proposals and specification books.

The Program Support Section handles a variety of functions. They assign state and federal-aid project numbers, open, close and adjust funding allotments, request authorization to obligate federal funds, and manage the balance of all federal-aid funding categories. They also maintain a database and create location maps for all ARDOT projects. Every year they assist in updating the four-year Statewide Transportation Improvement Program which is a list of projects to be funded within that timeframe.

The Local Federal-aid Project Administration Section is responsible for administering ARDOT's Partnering Program, Surface Transportation Program (STP) Attributable Program, Scenic Byways Program, and the Transportation Alternatives Program.

V. SPECIAL EMPHASIS PROGRAM AREAS

Based on the information collected through the program area liaison annual reports, the Title VI Coordinator will determine whether or not a program area will be identified as a "Special Emphasis Program Area." If a "Special Emphasis Program Area" is identified, a plan will be drafted on how best to remedy the trend or pattern of discrimination. The Title VI Coordinator will notify ARDOT's Director, who will ensure that the program area complies with the remediation plan. ARDOT does not currently have any "Special Emphasis Program Areas."

VI. SUB-RECIPIENT REVIEW PROCEDURES

ARDOT is a direct recipient of federal financial assistance, in which all recipients are required to comply with nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964.

Therefore, ARDOT and its sub-recipients of federal-aid funds must ensure that all of its programs and activities are conducted in a nondiscriminatory manner. The Title VI Coordinator will conduct compliance reviews of Local Public Agencies (LPA's), Transit grantees, MPO's, universities, colleges and other sub-recipients of federal financial assistance to determine scope of compliance with Title VI requirements.

ARDOT's Title VI Coordinator or designee will conduct sub-recipient onsite compliance reviews annually to ensure the following:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI Program
3. Correct deficiencies, when found to exist

Sub-recipients will be notified within fourteen (14) calendar days of the upcoming Title VI review by certified mail and via electronic mail (e-mail). The e-mail will also include a copy of the Title VI Compliance Review Questionnaire to entail questions to be asked during the review. (see Appendix D)

During the onsite reviews Title VI staff will conduct interviews and discuss reporting and data collection practices, public notification practices, examine public notification participation practices, examine the efficiency of Title VI complaint procedures, and make verbal and written recommendations towards best practices. If deficiencies are found, they will be reviewed in accordance with ARDOT's compliance review procedures along with a report of findings. If no deficiencies are found, a formal letter of full compliance will be provided within 30 calendar days of onsite review. The Title VI Coordinator will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

VII. DATA COLLECTION AND ANALYSIS

ARDOT is required by federal regulations to collect statistical data on the race, color, national origin, age, sex, disability, LEP, and income status of participants in and beneficiaries of its programs. ARDOT's Title VI Coordinator works with program areas to collect data on an annual basis and analyzes for trends. Collected data is reported in ARDOT's Annual Goals and Accomplishment Report.

VIII. TITLE VI TRAINING

As a direct recipient of federal assistance, ARDOT is required to comply with Title VI laws, related statutes and regulations. It is recommended that any agency receiving

federal financial assistance from ARDOT, receive training on transportation related Title VI laws and regulations. ARDOT will provide training in such areas as:

- Overview & Compliance
- Limited English Proficiency
- Environmental Justice

ARDOT's Title VI Coordinator is responsible for coordinating and providing training as needed or requested. Responsibilities will include obtaining resources personnel from FHWA, FTA and other resource agencies as available.

IX. COMPLAINT PROCEDURES

ARDOT has adopted a complaint procedure providing for prompt and equitable solution of complaints alleging any action prohibited by the U.S. Department of Justice regulations including but not limited to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1973, Civil Rights Restoration Act of 1987, Americans with Disabilities Act of 1990, Executive Order 12898 and Executive Order 13166.

Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any ARDOT service, program, or activity (whether federally funded or not) due to that person's race, color, national origin, religion (***not applicable as a protected group under the FMCSA Title VI Program***), sex, age, disability, LEP, or economic status has the right to file a complaint. ARDOT's Personnel Policy governs employment-related complaints of discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible, but no later than 180 calendar days after the alleged violation to:

Joanna P. McFadden, Section Head – EEO/DBE (ADA/504 and Title VI Coordinator)

P.O. Box 2261

Little Rock, Arkansas 72203

Email: Joanna.mcfadden@ardot.gov

Telephone: (501) 569-2298 (voice/TTY 711)

Within 15 calendar days after receipt of the complaint, the Title VI Coordinator or designee will contact the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the Title VI Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the Arkansas Department of Transportation and offer options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the response to the Federal Highway Administration (FHWA).

ARDOT will retain a log of all Title VI complaints received by the Title VI Coordinator for at least five (5) years. The log shall include the date the complaint was filed, a summary of the allegations, the status of the complaint, and actions taken in response of the complaint.

Alternate formats of this policy (large print, Braille, audiotape) are available upon request. Please contact Joanna McFadden at (501) 569-2298 (voice/TTY 711). (see Appendix E)

X. DISSEMINATION OF TITLE VI INFORMATION

To ensure community outreach and public education as it relates to the Title VI Program, Title VI information is developed for dissemination to the general public by the Public Affairs Officer; who is responsible for preparing the information and presiding at all public listening sessions, meetings, and hearings.

Public Involvement Plan

The Public Involvement Section is responsible for ensuring compliance with NEPA regulations pertaining to “early and ongoing” public involvement during the project development process, including scheduling and conducting public involvement meetings and hearings, as well as, publishing legal notices for public hearing offerings. The meeting’s time, location and nature of the proposed project will be described in news releases through local print, broadcast media and flyers distributed in the project area. Public involvement meetings are also posted on ARDOT’s website. All meeting facilities are in compliance with the Americans with Disabilities Act of 1990.

Title VI/ADA Notice of Non-Discrimination

ARDOT provides posters and brochures at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed or upon request. Furthermore, current copies of ARDOT’s Notice of

Nondiscrimination to the Public are available and accessible at all ARDOT buildings statewide and on ARDOT's public website at www.ardot.gov (see Appendices F & G).

XI. LIMITED ENGLISH PROFICIENCY (LEP)

WHAT IS LIMITED ENGLISH PROFICIENCY

LEP refers to individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English and, therefore, are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter.

AUTHORITY

Title VI of the Civil Rights Act of 1964 (Title VI) states that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Executive Order (EO) 13166 - *Improving Access to Services for Persons with LEP* set forth the compliance standards that recipients must follow to ensure that the program and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

ARDOT RESPONSIBILITY

The following chart explains ARDOT's responsibility under Title VI and the EO13166.

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin	Provides protection on the basis of national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons' federally-funded programs with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA

Since Arkansas' diverse population is ever evolving, it is important that ARDOT be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other program areas.

The U.S. Department of Commerce, Bureau of the Census, conducts the American Community Survey (ACS). The ACS replaced the decennial census long form in 2010 and thereafter by collecting long form type information throughout the decade rather than only once every 10 years.

Questionnaires are mailed to a sample of addresses to obtain information about households -- that is, about each person and the housing unit itself. The American Community Survey produces demographic, social, housing and economic estimates in the form of 1-year, 3-year and 5-year estimates based on population thresholds. The strength of the ACS is in estimating population and housing characteristics.

The 2010-2014 American Community Survey 5-Year Estimates (Table DP05-ACS Demographic and Housing Estimates) is the source of the population information included in this program. In the ACS, respondents may identify as a single race or as a combination of races. People who identify their origin as Hispanic, Latino, or Spanish may be of any race. LEP is a subset of National or Hispanic Origin. A breakdown of the total population in Arkansas follows:

RACE AND HISPANIC OR LATINO	Estimate	Percent
Total population	2,947,036	100%
Hispanic or Latino (of any race)	198,109	6.70%
Not Hispanic or Latino	2,748,927	93.30%
White alone	2,178,191	73.90%
Black or African American alone	455,402	15.50%
American Indian and Alaska Native alone	16,689	0.60%
Asian alone	38,025	1.30%
Native Hawaiian and Other Pacific Islander alone	6,178	0.20%
Some other race alone	2,779	0.10%
Two or more races	51,663	1.80%
Two races including Some other race	884	0.00%
Two races excluding Some other race, and Three or more races	50,779	1.70%

According to the U.S. Department of Commerce, Bureau of the Census, there are 89,599 Arkansans who speak a language other than English and speak English less than well. The following table includes geographies and languages that surpass LEP Safe Harbor provisions.

Number of people 5 years and over speaking English less than "very well" by language*
Arkansas by County, 2010-2014

Geography	Total	Spanish or Spanish Creole	Chinese	Laotian	Vietnamese	Other Asian languages	Tagalog	Other Pacific Island languages
Arkansas	89,559	68,847	2,358	1,701	3,088	1,000	1,074	3,151
Benton County, Arkansas	14,655	12,475	131	197	231	475	66	310
Carroll County, Arkansas	1,737	1,663	16	0	0	0	5	0
Craighead County, Arkansas	1,927	1,387	96	0	64	0	37	116
Crawford County, Arkansas	2,051	1,672	52	169	55	0	0	0
Faulkner County, Arkansas	1,573	1,106	98	0	15	24	5	0

Garland County, Arkansas	2,186	1,526	18	12	68	7	89	0
Hempstead County, Arkansas	1,267	1,264	0	0	0	0	0	0
Johnson County, Arkansas	1,000	816	0	0	0	58	0	44
Pope County, Arkansas	1,884	1,582	41	22	0	0	87	51
Pulaski County, Arkansas	12,451	8,599	525	11	349	353	338	44
Saline County, Arkansas	1,437	998	256	51	0	0	4	0
Sebastian County, Arkansas	8,124	5,151	94	677	1,747	37	17	48
Sevier County, Arkansas	2,462	2,413	0	0	14	0	24	0
Washington County, Arkansas	20,091	14,614	542	339	305	19	197	2,503
White County, Arkansas	1,156	853	49	0	47	0	0	0
Yell County, Arkansas	1,953	1,873	0	23	0	0	0	0

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

*Languages and counties below safe harbor levels removed for clarity

FOUR FACTOR ANALYSIS

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between ARDOT and the LEP person. To accomplish effective communication, the following actions and/or discussions will be performed:

- A needs assessment to determine the extent of ARDOT's obligation to provide LEP services. The assessment includes the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of ARDOT or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by ARDOT to people's lives; and (4) the resources available to ARDOT and costs.
- Provide language assistance services (oral or written).
- Develop an effective implementation plan on language assistance for LEP persons. This plan will include: (1) identifying LEP individuals who need language assistance; (2) language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

NEEDS ASSESSMENT

The U.S. Census reports that of the 89,599 persons in Arkansas, who could be considered LEP, 68,847, or 76.8%, speak Spanish or Spanish Creole. Spanish or Spanish Creole speakers are found in numbers or as a percentage of the population great enough to surpass Safe Harbor provisions in thirteen counties. Vietnamese and Other Pacific Island languages each surpassed the safe harbor provision in one county.

ARDOT also evaluated its programs and/or service areas utilizing the four-factor analysis and determined that ARDOT meets the criteria to have a LEP program for the Hispanic community.

- 1) There are twelve additional counties, primarily, in the western part of the State, with a higher percentage share of LEP persons than the overall State average (3.3%), although no county meets the LEP Safe Harbor population percentage threshold (5%).

The number of LEP persons exceeds the LEP population threshold (1,000) in sixteen counties: thirteen through Spanish/Spanish Creole speakers and one each in Vietnamese and Other Pacific Island language. One county's LEP population is composed of a combination of languages that do not individually meet the LEP threshold. Therefore, ARDOT and its sub-recipients will provide language assistance in thirteen counties in the languages indicated above, as needed.

LEP persons interact with ARDOT's public transportation programs primarily in two ways. The first is through the development and review of planning documents – Annual Grants' Program of Projects, Transit Coordination Plans, State Management Plans, STIP/TIPs, UPWPs, etc. The second is through the delivery of transit service.

ARDOT is a Primary Recipient under FTA funding and is responsible for program oversight of sub-recipient transit providers. ARDOT is not a Direct Recipient under FTA funding and does not provide transit service. Therefore, ARDOT ensures that schedules, route/fare changes and policies are adequately conveyed to LEP persons in the aforementioned counties through oversight and monitoring of its sub-recipients who consult census block and tract level data in their LEP analysis.

For planning documents and Notices of Federal Transit Funding Availability, ARDOT provides notices to the statewide Hispanic paper to inform this group of transit activities. There has been no reporting of communications problems.

- 2) ARDOT staff rarely comes in contact with Hispanic or LEP persons. Even at public meetings for ARDOT or MPO planning documents, although always informed of the meeting, these groups rarely attend. ARDOT has not performed any bus ridership or operator surveys to ascertain the frequency of LEP person use.
- 3) The more frequently ARDOT's program and/or service come in contact with LEP persons, the more language assistance services will be provided. The 5311 Rural Transit programs have translators on staff or available to their program on an as needed basis.
- 4) ARDOT maintains a database on LEP interpreters and translators. These persons are available to public transportation staff and to transit agencies for public and other meetings as needed. Costs incurred by ARDOT's public transportation staff or by public transit agencies may be reimbursed by the FTA through the various transit programs.

LANGUAGE ASSISTANCE (ORAL AND WRITTEN)

If individuals need oral language assistance, the Arkansas Spanish Interpreters and Translators (ASIT) will be utilized.

Information for free language assistance will also be posted in public areas, such as welcome centers and rest areas.

Based on three of the four-factor analysis, ARDOT identified written documents and/or materials that were translated into Spanish, which comprises 77% of the state's LEP community.

ARDOT will continue to review documents and/or materials to determine if translation is necessary, utilizing the "safe harbor" approach. ARDOT, on a case-by-case basis, will determine if ASIT will translate the written documents/materials or if it would be more cost effective for the sub-recipient to translate the documents.

NOTIFICATION OF LANGUAGE ASSISTANCE

ARDOT will notify the identified LEP communities that they have a right to free language assistance that includes documents and/or materials printed in their language. Notification regarding the availability of the services will be provided through neighborhood community meetings, brochures, minority radio stations and newspapers, and information disseminated to the public by ARDOT. Detailed information on how a community was notified of the right to free language assistance is provided in ARDOT's Nondiscrimination Statement.

STAFF TRAINING

Training will be provided to staff members on policies and procedures concerning language assistance and ways to determine whether an individual needs assistance services. ARDOT and sub-recipients will provide training to employees who are most likely to come in contact with LEP individuals who need language assistance.

MONITORING AND UPDATING THE LEP PLAN

ARDOT will provide notice of any changes in services to the LEP public and employees and develop a process for determining, on an ongoing basis, whether new documents, program services and activities need to be made accessible to LEP individuals. ARDOT will periodically evaluate the plan to determine if changes have occurred in:

1. Current LEP populations in the service area or population affected or encountered.
2. Frequency of encounters with LEP language groups.
3. Nature and importance of activities to LEP persons.
4. Available resources, including technological advances and sources of additional resources, and the cost imposed.
5. The needs of LEP persons.
6. The staff's knowledge and understanding of the LEP plan and how it is implemented.
7. The identified sources for assistance, to ensure they are still available and viable.

The data collected will be from various sources, such as ARDOT's staff, including members of the Title VI Multi-Disciplinary team, meetings with the State Director of the League of the United Latin American Citizens and the Arkansas Department of Education, among others.

VOLUNTARY COMPLIANCE EFFORTS

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is enforced and implemented by the Department of Justice (DOJ) through the procedures identified in Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

Title VI regulations require the DOJ to investigate whenever it receives a complaint, report, or other information is received that alleges or indicates possible noncompliance with Title VI or its regulations.

XII. ENVIRONMENTAL JUSTICE (EJ)

In 1994, Executive Order (EO) 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was issued. EO 12898 emphasized a federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety. ARDOT's Environmental Division fulfills this requirement by following the NEPA process.

XIII. REVIEW OF ARDOT DIRECTIVES

ARDOT's policy directives and procedural directives will be reviewed for possible Title VI implications. If a directive is deemed to have potential discriminatory results, the issue will be brought to ARDOT's Director.

XIV. COMPLIANCE & ENFORCEMENT PROCEDURES

Trends or patterns of discrimination can be identified through annual program area reviews, sub-recipient reviews, investigating Title VI relevant data or discrimination complaints. ARDOT will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within ARDOT and its sub-recipients receiving federal highway funds.

When deficiencies occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. ARDOT will result to writing a Voluntary Corrective Action Plan (VCAP) agreed upon by ARDOT and FHWA to be necessary within a period not to exceed 90 days.

ARDOT will seek the cooperation of sub-recipients in correcting deficiencies found during their on-site reviews. ARDOT will also provide the technical assistance and guidance necessary to aid the sub-recipient to comply voluntarily. Sub-recipients placed in a deficiency status will be allotted a reasonable time frame, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, ARDOT will submit to the FHWA copies of the file and a recommendation that the sub-recipient be deemed non-compliant.

XV. ACRONYMS

ADA – Americans with Disabilities Act

ARDOT – Arkansas Department of Transportation

ASIT – Arkansas Spanish Interpreters and Translators

DBE – Disadvantaged Business Enterprise

EEO – Equal Employment Opportunity

EJ – Environmental Justice

FHWA – Federal Highway Administration

FMCSA – Federal Motor Carrier Safety Administration

FTA – Federal Transit Administration

LPA – Local Public Agency

LEP – Limited English Proficiency

MSI – Minority Serving Institutions

MPO – Metropolitan Planning Organization

NEPA – National Environmental Policy Act

STP – Surface Transportation Program

TPP – Transportation Planning and Policy

TRC – Transportation Research Committee

VCAP – Voluntary Corrective Action Plan

APPENDIX A

ARDOT Policy Statement

ARKANSAS DEPARTMENT OF TRANSPORTATION

TITLE VI / ADA NONDISCRIMINATION PROGRAM POLICY STATEMENT

The Arkansas Department of Transportation (ARDOT) policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, religion (*not applicable as a protected group under the FMCSA Title VI Program*), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.

The following nondiscrimination statutes and authorities include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d et seq.);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.);
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.);
- Americans With Disabilities Act of 1990;
- The Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- 49 CFR Part 303
- USDOT Order 1050.2A;
- Executive Order # 12898 (Environmental Justice);
- Executive Order # 13166 (Limited-English-Proficiency).

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ARDOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. The ARDOT's sub-recipients, grant recipients, and contractors must also comply with this policy.

The ARDOT's Civil Rights Officer and program areas must work closely to implement their mutual Title VI nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of the ARDOT's programs and activities.

The Director signs assurances and delegates full authority to the Title VI/ADA Program Coordinator to oversee and implement Title VI regulations.

Dated 10-9-17

By Scott E. Bennett
Scott E. Bennett, P.E.
Director of Arkansas Department of
Transportation

APPENDIX B

ARDOT Standard DOT Title VI/ Non-Discrimination Assurances

ARKANSAS DEPARTMENT OF TRANSPORTATION
Standard Title VI/Non-Discrimination Assurances

The Arkansas Department of Transportation (herein referred to as the "ARDOT"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *Federal Aid Highway Program*:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The ARDOT, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

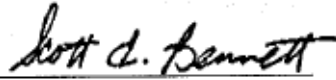
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the ARDOT also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Aid Highway Program access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Aid Highway Program. You must keep records, reports, and submit the material for review upon request to the Federal Aid Highway Program, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

ARDOT gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Aid Highway Program. This ASSURANCE is binding on Arkansas, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Arkansas Department of Transportation
(Name of Recipient)

By



Scott E. Bennett, P.E.
Director of Arkansas Department
Of Transportation

DATED 10-9-17

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or

the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Department will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the ARDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the ARDOT and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Department, its successors and assigns.

The ARDOT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the ARDOT will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the ARDOT pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the ARDOT will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the ARDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the ARDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the ARDOT pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the ARDOT will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the ARDOT will there upon revert to and vest in and become the absolute property of the ARDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

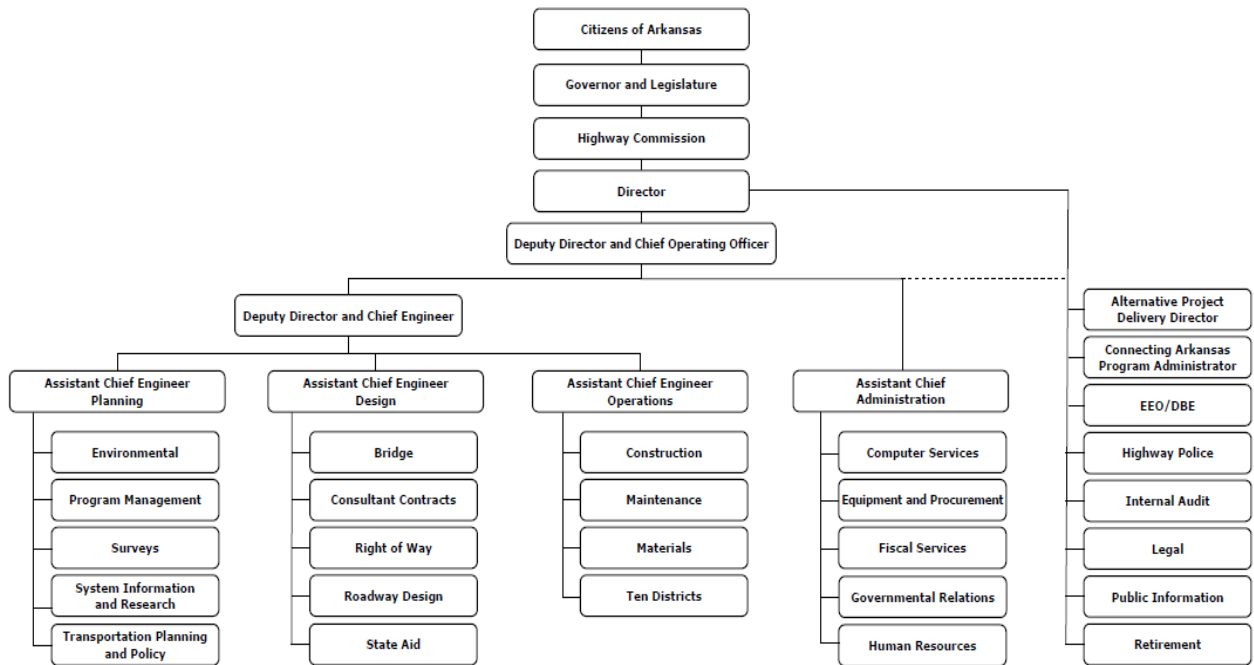
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

APPENDIX C

ARDOT – Organizational Chart

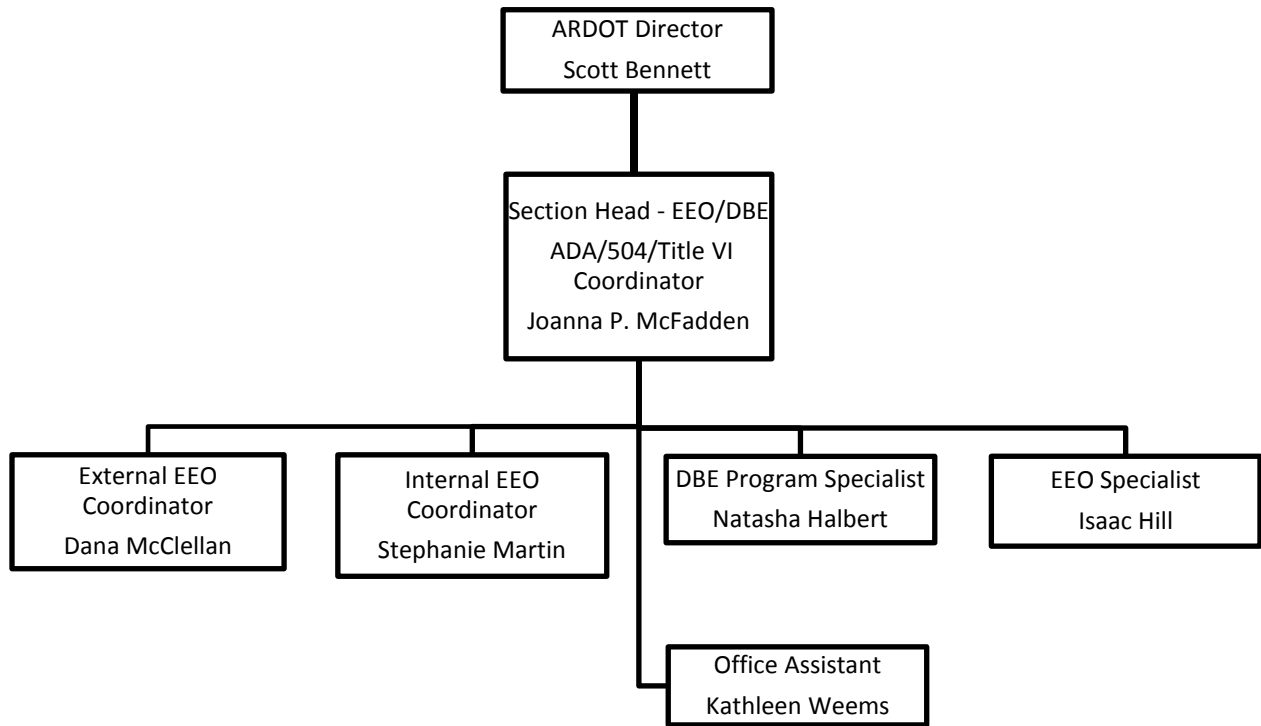
EEO – Organizational Chart

ARKANSAS DEPARTMENT OF TRANSPORTATION ORGANIZATION CHART



Scott L. Bennett
Director of Highways and Transportation

April 11, 2017
Date



Appendix D

Sub-recipient Compliance Review Questionnaire

ARKANSAS DEPARTMENT OF TRANSPORTATION

TITLE VI REVIEW

NONDISCRIMINATION IN FEDERAL FINANCIAL ASSISTANCE

COMPLIANCE QUESTIONNAIRE FOR RECIPIENTS AND SUB-RECIPIENTS

Organization Name _____

Street Address _____

City _____

State _____

Telephone Number _____

Fax Number _____

Reviewer _____

Name _____

Title _____

Telephone Number _____

Fax Number _____

Date of Review _____

A. Organizational type that best describes your agency/organization as listed below:

- _____ State Government
- _____ City, County, or Local Government
- _____ Consultant Service
- _____ Consultant (NEPA)
- _____ Transit Urban
- _____ Transit-Rural
- _____ Contractor
- _____ College and/or University (Research Grants)
- _____ Other

B. Organization, Staffing and Training

1. Provide the name, race, sex, position and title of the individual (s) that's responsible for the administration of the Title VI program.

2. Has the individual participated in any type of Title VI training? If yes, provide information as to when the training was held.

3. Describe your organization's staffing structure including the name, ethnicity, gender, title and very short job description. Provide an organizational chart. Are there changes anticipated for the upcoming year.

4. Does your agency/organization have a nondiscrimination statement? If yes, provide copy.

How are your employees notified of the agency/organization's nondiscrimination statement?

Is it published in all public notices and posted on bulletin boards? If yes, provide examples.

C. Complaints

1. Have any complaints (oral or written, informal or formal), lawsuits, charges, inquiries, etc., been filed with any Federal, State or local agency, alleging that your agency/organization or any component thereof discriminated against an individual or individuals on the basis of race, color, national origin, sex, disability or age?

_____ Yes
_____ No

2. If yes, please provide a copy of each complaint received or filed for the last two years.

D. Public Involvement

1. What efforts are made to notify the public of meetings, workshops, special sessions, etc.?
2. What efforts are made to ensure public participation?
3. Were accommodations for translation services or special needs included in notices to the public?
4. Does your company include minority and/or female media in all notification processes for public meetings or public review of agency documents? If yes, identify the media resources by name, race and sex.
5. Where were the public meetings held?
6. Were the meeting locations, day and time of week, conducive for public involvement?

7. Was consideration given to accessibility for persons with disabilities?
8. Are the meetings held where bus or rail service was provided? If no, explain.
9. Has your agency/organization received any request for information in an alternative Format such as Braille, Audio, or non-English? If yes, please discuss.
10. If the public involvement meeting held was concerning work for ARDOT, was ARDOT's nondiscrimination statement posted at the meeting?

E. Limited English Proficient (LEP)

1. Individuals who, because of their national origin, are Limited English Proficient (LEP) are entitled to meaningful access to federally assisted programs and activities. Does your agency/organization service area population include individuals with LEP?

_____ Yes

_____ No

If yes, what are the languages most encountered?

2. How does the agency/organization provide access to persons whose languages are identified above?
3. Are LEP persons made aware that they can receive translation services at no cost?

F. Access for Individuals with Disabilities under Section 504 and the Rehabilitation Act and Title II of the American with Disabilities Act (ADA).

1. Has your agency appointed an ADA/Section 504 Coordinator? (The agency/ Organization will be required to appoint a Coordinator if it is a private firm with 15 or more employees or a public entity with 50 or more employees). If yes, please provide name, title, race and sex of the individual.
2. Are facilities and meeting areas fully accessible to persons with disabilities?
3. Has the agency/organization conducted a self-evaluation? If yes, provide a copy of the self-evaluation.
4. Based on the development of a self-evaluation plan, has the agency/organization developed a transitional plan? (A transitional plan should be developed if the agency/organization has 15 or more employees and a public entity with 50 or more employees). If yes, provide a copy of the Transition Plan.
5. In order for individuals with hearing limitations or speech disabilities to have access to program areas, does the agency/organization have auxiliary aids such as TTD/TTY? If yes, identify the type of services.
6. Is the public informed that the agency/organization have auxiliary aids such as TTD/TTY? If yes, provide documentation of how the public was informed.

G Environmental Justice

1. Has your agency/organization received training on environmental justice? If yes, provide date and location of training.
2. Has your agency/organization identified any environmental justice issues?

H. Subcontracts

1. Did your organization/agency award any subcontracts to assist with ARDOT's contract that was awarded to your agency/organization on (date)? If yes, provide the following:
 - Name of firms and dollar amount of subcontract awarded, if any.
 - Were any of the above firm(s) minority, female and/or DBE owned?
 - Did you contact minority, female or DBE firms for subcontract opportunities? If yes, provide the name of firm(s) contacted and identify if it was a minority, female or DBE firm.
 - Provide total dollar amount awarded to each minority, female and DBE firm, if any.
2. Since the award of the contract from ARDOT, has your agency/organization solicited and/or awarded any contracts, services, and/or ordered supplies? If yes, provide the name of each firm, type of service provided, dollar amount and identify if any of the firms were a minority, female and/or DBE, if any.

If no, please state your good faith efforts made in order to solicit business with minority, female or DBE firms.

Appendix E

TITLE VI/ADA Complaint Form

Arkansas Department of Transportation

TITLE VI/ADA Complaint Form

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title II of the Americans with Disability Act (ADA) provides that, "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Title 42 U.S.C. Sections 2000d & 12131

Please provide the following information necessary in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request. Please contact ARDOT EEO/DBE Section at (501) 569-2297.

Complete this form and return to:

Arkansas Department of Transportation

EEO/DBE Section

Attn: Joanna P. McFadden, Section Head

10324 Interstate 30

Little Rock, AR 72209

Complainant's Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

Person(s) discriminated against (if other than complainant)

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

What is the discrimination based on?

- | | | |
|--|---|--|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> Disability | <input type="checkbox"/> Economic Status |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion (<i>not applicable as a protected group under the FMCSA Title VI Program</i>) | |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Age | <input type="checkbox"/> LEP |
| <input type="checkbox"/> Other: _____ | | |

Date of the alleged discrimination: _____ Location: _____

Agency or person that was responsible for the alleged discrimination: _____

Have you filed this complaint with any other Federal, State, or local agency? If so, whom? _____

What remedy are you seeking? _____

List names and contact information of persons who may have knowledge of the alleged discrimination.

Describe the alleged discrimination. Explain what happened and whom you believe as responsible.

Please sign and date. The complaint will not be accepted if it has not been signed. You may attach any written materials or other supporting information you think is relevant to your complaint.

Signature

Date

Appendix F

Notice of Non-Discrimination

ARKANSAS DEPARTMENT OF TRANSPORTATION
ADA/TITLE VI NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, religion ***(not applicable as a protected group under the FMCSA Title VI Program)***, disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head – EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501)569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Appendix G

Title VI Brochure

**A MESSAGE FROM
TITLE VI SPECIALIST
JOANNA P. MCFADDEN**

The primary goal of the Arkansas Department of Transportation's Title VI Program is to ensure that all appropriate personnel and contractors are aware of the provisions of Title VI of the Civil Rights Act of 1964, and are fully aware of their Title VI responsibilities as well as ADA/504, Executive Order 12898 (Environmental Justice) and Executive Order 13166 LEP (Limited English Proficiency).

The ARDOT EEO Section is available to provide you with technical assistance, resources, guidance, and any other information pertaining to Title VI and ADA/504.

Should you have any questions or concerns regarding the Title VI Program, please do not hesitate to contact me at

Joanna.McFadden@ardot.gov (501) 569-2298, Voice/TTY 711.

Joanna P. McFadden



**ARKANSAS DEPARTMENT
OF TRANSPORTATION**

NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the ARDOT does not discriminate on the basis of race, sex, color, age, national origin, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*), LEP, or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as the ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address:

Joanna.McFadden@ardot.gov

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

**Your Guide
To
Title VI
Civil Rights
Act of 1964**

**ARKANSAS
DEPARTMENT
OF
TRANSPORTATION**

10324 Interstate 30
Little Rock, AR 72209

Phone: 501-569-2298
Voice/TTY 711
Fax: 501-569-2965

Nondiscrimination in the Federal Highway Program

The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. However, the broader application of the nondiscrimination law is found in other statutes, regulations and Executive Orders. Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability as does the Americans with Disabilities Act of 1990 (ADA). The ADA also prohibits discrimination in the provision of access to public buildings and requires that rest areas be accessible by wheelchair. The Age Discrimination Act of 1975 prohibits age discrimination. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients and contractors whether those programs and activities are federally-funded or not. Executive Order 12898 provides Environmental Justice for Minority and Low-income populations. Executive Order 13166 provides language assistance to persons who are limited English proficient.

What programs are covered by Title VI?

Federally assisted programs address such broad and diverse areas as:

- Transportation (including transit)
- Construction
- Elementary, secondary, and higher education

- Health care, social services, and public welfare
- Parks and recreation
- Natural resources and the environment
- Employment and job training
- Law enforcement and the administration of justice
- Agriculture and nutrition
- Housing and community development

What discrimination is prohibited?

There are many forms of illegal discrimination based on race, color, sex, national origin, age, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*), LEP, or low-income status that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color, sex, national origin, age, disability, LEP, or low-income status either directly or through contractual means:

- Deny program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a different manner than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

How can I file a discrimination complaint?

You may file a signed, written complaint within 180 days from the date of the alleged discrimination. The complaint should include:

- Your name, address, and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. Include names of individuals whom you allege discriminated against you, if you know them.
- The names of any persons, if known, who the ARDOT can contact for clarity of your allegations.

Please submit your signed complaint to the address on the front, attention of Joanna P. McFadden Section Head—EEO/DBE (ADA/504 and Title VI Coordinator).